

# EXHIBIT

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/572,563  
Filing Date: March 17, 2006  
Applicant: Jiunn-Liang KO et al  
Group Art Unit: Unassigned  
Examiner: Unassigned  
Title: FUNGAL IMMUNOMODULATORY PROTEIN (FIP)  
PREPARED BY MICROORGANISMS AND USES  
THEREOF  
Attorney Docket: 8964-000031/US

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION IN SUPPORT OF PETITION UNDER 37 CFR 1.42 - 1.47

Sir:

I, Tzu-Chih CHEN, hereby declare that:

Proof of Pertinent Facts Showing the Third Inventor, Hsu-Wei HUNG is Unavailable

- (i) I mailed a copy of the patent specification and claims along with a declaration and assignment to Hsu-Wei HUNG at his last known address, 15F., No. 18, Alley 9, Lane 297, Yuantong Rd., Jhonghe City, Taipei County 235, Taiwan, R.O.C.
- (ii) The mail receipt shows that the copy was sent to Hsu-Wei HUNG. See Attachment 1 and its English translation enclosed herewith.
- (iii) I have not received any response from Hsu-Wei HUNG.

Proof of Pertinent Facts Showing the Fifth Inventor, Ching-Lung HU is Unavailable

- (i) I mailed a copy of the patent specification and claims along with a declaration and assignment to Ching-Lung HU at his last known address, 3F., No. 4, Alley 12, Lane 78, Sec 2, Sinyi Rd., Jhongjheng District, Taipei City 100, Taiwan, R.O.C.
- (ii) The mail receipt shows that the copy was sent to Ching-Lung HU. See Attachment 1 and its English translation enclosed herewith.

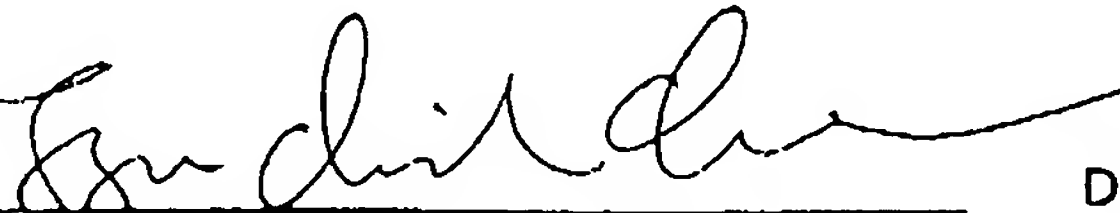
- (iii) I have not received any response from Ching-Lung HU.

**Proof of Pertinent Facts Showing the Sixth Inventor, Cheng-Chun KUAN Is Unavailable**

- (i) I mailed a copy of the patent specification and claims along with a declaration and assignment to Cheng-Chun KUAN at his last known address, 4F., No. 24-11, Lane 134, Sec. 3, Sinyi Rd., Da-an District, Taipei City 106, Taiwan, R.O.C.
- (ii) The mail receipt shows that the copy was sent to Cheng-Chun KUAN. See Attachment 1 and its English translation enclosed herewith.
- (iii) I have not received any response from Cheng-Chun KUAN.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Declarant's  
Signature:

  
(name)

Date: 2007.12.21